IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Nasir Khan & ors. Versus State of Rajasthan.

S.B. Criminal revision Petition No. 1085/2006

...

Date of Order: July 25, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. M.L. Khatri, for the petitioners.
Mr. V.R. Mehta, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal revision petition under Section 397 read with Section 401 Cr.P.C., the petitioners have challenged the order dated 31-8-2005 passed by the additional Sessions Judge (Fast Track), Balotra (for short, "the Appellate Court" hereinafter), whereby the Appellate Court partly allowed the appeal filed by the petitioners and instead of sentencing them at once to any imprisonment, granted them the benefit of Section 4 of the Probation of Offenders Act, 1958.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the judgment and order of the Appellate Court as well as the record.

It is contended by the learned counsel for the petitioners that the trial Court as well as the Appellate Court

erred in convicting the petitioners.

On careful perusal of the judgment and order of the Appellate Court, it appears that before the Appellate Court, the petitioners herein, who were the appellants therein, did not challenge the conviction and requested the Appellate Court that instead of sentencing them at once to any imprisonment, they may be released on probation. The request of the appellants therein (the petitioners herein) has been accepted and they have been released on probation by the Appellate Court. It is, now, not open for the petitioners to say that their conviction is bad.

In this view of the matter, the criminal revision petition is devoid of any merit and dismissed accordingly.

(H.R. PANWAR), J.

mcs